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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Written statement submitted by Al-Khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 1999]

1. With regard to the Convention on the Elimination of All Forms of Discrimination against Women, Al-Khoei Foundation acknowledges that the States parties' reservations, as well as the reservations on the part of those States that have chosen not to be party to the Convention, reflect some problematic aspects raised by the Convention. On this occasion, however, being our first written statement on the subject, we would like to take the opportunity to make some general comments reflecting our position on the status of the human rights of women. We also intend to comment, with a greater degree of specificity, upon the issue of violence against women.

2. Al-Khoei Foundation would like to comment upon the core issue of the espousal of the universal human rights of women in the context of global cultural diversity. It is particularly concerned to support constructive engagement and increase understanding between the Islamic world and the West on the question of gender equality.

3. Our central belief is the need to respect cultural differences which, we believe, should not at the same time preclude universal adherence to fundamental human rights as embodied in the Charter of the United Nations. Equally, we assert that recourse to cultural rights should not be used as a licence to commit human rights abuses against women.

4. Whilst we recognize the importance of gender equality, we believe that hegemonic interpretations of women's rights which serve to impose particularist conceptions of gender roles undermine both the spirit of the Charter and the development and improvement of cross-cultural relations. On the question of women's rights, consideration should be given to the traditions and cultural contexts within which they function and the extent to which these rights accurately reflect the wishes and preferences of the women they purport to represent.

5. This necessitates a greater emphasis on the importance of understanding correctly, and without prior prejudice or preconception, the traditions, norms and roles associated with the position of women in respective societies. The problem of misconception and mutual misunderstanding is particularly evident in the relations between Muslim and non-Muslim, notably Western, societies.

6. It should be noted that this issue has an important dual resonance with regard to the rights of Muslim women with respect to their situation in Muslim and non-Muslim societies. Thus, the question of cross-cultural understanding necessitates a special sensitivity on the part of those non-Muslim States that contain significant Muslim minorities.

7. The development of this understanding should be channelled through a process of educational exchange at the levels of both State and civil society. It should extend to and involve important institutions such as those of State education and the media.

8. We would like to draw attention to the contributions Islam can make and has made in relation to the attainment of women's rights and their general empowerment. In this sense the progressivist aspects of Islam's historical position on women should be acknowledged in, for example, the areas of inheritance rights, marriage rights, education and political participation.

9. We would, however, equally assert the need to acknowledge important distinctions between the corpus of Islamic rulings relating to the rights of women and the various approaches to their application with regard to the laws and practices of particular Muslim States. In keeping with paragraph 8, for example, we object to the Taliban's denial of fundamental freedoms to women, including their right to education, in Afghanistan and the denial of freedoms relating to women and employment in Saudi Arabia. These we believe to be perversions rather than bona fide interpretations of Islamic law. Similarly, Al-Khoei Foundation is particularly appalled by the practice of female circumcision wrongly legitimated by recourse to Islamic law and is supportive of moves to outlaw its practice.

10. Al-Khoei Foundation reiterates that whilst cultural difference should be respected with regard to the position of women in diverse societies, it is imperative that, as paragraph 9 reflects, such difference is not used as a licence for the abuse of the human rights of women. Moreover, as the examples of the denial of State funding for Islamic schools in the United Kingdom and the issue of Muslim women's right to publicly express their religious beliefs in France reflect, it is also important to acknowledge that such abuses are not synonymous with any particular cultural tradition and that the Western world, as principal author of the Charter, does not, however, hold a monopoly on its subsequent interpretation and application.

Violence against women

11. With regard to item 12 (a) of the provisional agenda, Al-Khoei Foundation condemns unreservedly violence in public and private life, in any shape or form, against women and asserts this condemnation as a human right and fundamental freedom in keeping with the Charter and related human rights instruments of the United Nations.

12. We welcome and support the appointment of the Special Rapporteur on violence against women, its causes and consequences, in accordance with Commission resolution 1994/45, as well as subsequent resolutions on the elimination of violence against women.

13. In accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, we condemn "gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking".

14. We would like to draw attention to the situation of women who are particularly vulnerable. These would include refugee women and women in situations of armed conflict, as well as others cited in Commission resolution 1997/44 as being of deep concern.

15. In relation to refugee women, we are particularly concerned, for example, at the constraints placed upon Afghan refugee women in Pakistan whereby exclusion from formal and non-formal education as a consequence of community pressure exacerbates the already dire economic circumstances they find themselves in and locks them into a cycle of poverty. In this sense, we believe the role of education to be pivotal in social development and in the rehabilitation of the economy in refugee communities.

16. In relation to the situation of women in armed conflict, we condemn all violations of human rights, in particular systematic rape and forced pregnancy, as instruments of policy, as has been well documented in Bosnia and Herzegovina, for example. We are also deeply concerned at reports (Amnesty International, Human Rights Watch) from Afghanistan citing the Taliban's policy of sexual slavery of non-Taliban women, particularly those from the ethnic Hazara population following the massacres of the Hazara in August 1998.

17. Finally, we support initiatives aiming to integrate such crimes into the statutes of the International Criminal Court as specific punishable offences under international human rights and humanitarian law.